

House File 685 - Enrolled

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1 1 HOUSE FILE 685

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1 4 AN ACT

1 5 ESTABLISHING THE CHILD IDENTIFICATION AND PROTECTION ACT,

1 6 WHICH PROHIBITS THE FINGERPRINTING OF CHILDREN, AND

1 7 PROVIDING FOR EXCEPTIONS.

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1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 11 Section 1. NEW SECTION. 726.21 SHORT TITLE.

1 12 This division shall be known as and may be cited as the

1 13 "Child Identification and Protection Act".

1 14 Sec. 2. NEW SECTION. 726.22 DEFINITIONS.

1 15 As used in this division, unless the context otherwise

1 16 requires:

1 17 1. "Child" means any person under eighteen years of age.

1 18 2. "Governmental unit" means the state, or any county,

1 19 municipality, or other political subdivision of the state, or

1 20 any department, board, division, or other agency of any of

1 21 these entities; an authorized representative of the state, or

1 22 any county, municipality, or other political subdivision of

1 23 the state, or of a department, board, division, or other

1 24 agency of any of these entities; or a school district or an

1 25 authorized representative of a school district.

1 26 Sec. 3. NEW SECTION. 726.23 FINGERPRINTING OF CHILDREN

1 27 PROHIBITED == EXCEPTION == CONDITIONS.

1 28 1. Except as provided in subsection 2, a governmental unit

1 29 shall not fingerprint a child.

1 30 2. A governmental unit may fingerprint a child if one or

1 31 more of the following conditions apply:

1 32 a. A parent or guardian has given written authorization

1 33 for the taking of the fingerprints for use in the future in

1 34 case the child becomes a runaway or a missing child. Only one

1 35 set of prints shall be taken and the fingerprint cards shall

2 1 be given to the parent or guardian. The fingerprints, written

2 2 authorizations for fingerprinting, or notice of the

2 3 fingerprints' existence shall not be recorded, stored, or kept

2 4 in any manner by a law enforcement agency, except as provided

2 5 in this division or except at the request of the parent or

2 6 guardian if the child becomes a runaway or a missing child.

2 7 When the child is located or the case is otherwise disposed

2 8 of, the fingerprint cards shall be returned to the parents or

2 9 guardian.

2 10 b. Fingerprints are required to be taken pursuant to

2 11 section 232.148, 690.2, or 690.4.

2 12 c. Fingerprints are required by court order.

2 13 d. Fingerprints are voluntarily given with the written

2 14 permission of the child and parent or guardian, upon request

2 15 of a law enforcement officer, to aid in a specific criminal

2 16 investigation. Only one set of prints shall be taken and,

2 17 upon completion of the investigation, the law enforcement

2 18 agency shall return the fingerprint cards to the parent or

2 19 guardian of the child.

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CHRISTOPHER C. RANTS

2 24 Speaker of the House

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JOHN P. KIBBIE

2 28 President of the Senate

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2 30 I hereby certify that this bill originated in the House and

2 31 is known as House File 685, Eighty-first General Assembly.

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MARGARET THOMSON

3 1 Chief Clerk of the House

3 2 Approved _____, 2005

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3 6 THOMAS J. VILSACK
3 7 Governor